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Federal Communications Commission
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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Advanced Television Systems)
and Their Impact upon the)
Existing Television Broadcast)
Service)

MM Docket No. 87-268

To: The Commission

REPLY COMMENTS OF FLEET CALL, INC.

Respectfully submitted,

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Counsel for Fleet Call, Inc.

Dated: January 17, 1992

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REPLY COMMENTS OF FLEET CALL, INC.

I. INTRODUCTION

Fleet Call, Inc. ("Fleet Call"), by its attorneys, pursuant to Section 1.415 of the Commission's Rules, hereby respectfully files its Reply Comments in response to the Notice of Proposed Rulemaking (the "Notice") in the above-captioned proceeding.^{1/}

Fleet Call is one of the major licensees and operators of Specialized Mobile Radio ("SMR") systems in the United States. SMRs provide dispatch and interconnected mobile communications services to private radio eligibles under terms and conditions set forth in the Communications Act of 1934, as amended, and the rules and regulations of the Federal Communications Commission (the "FCC"). Fleet Call is licensed by the FCC as a private for-profit carrier in the Private Land Mobile Radio Service

^{1/} Notice of Proposed Rulemaking, FCC 91-337, released November 8, 1991.

under Part 90 of the FCC's Rules, 47 C.F.R. 90 et seq. Fleet Call and its subsidiaries serve approximately 150,000 mobile users on both 800 MHz and 900 MHz SMR systems.

Fleet Call is a leading provider of SMR services in six of the country's largest and most frequency congested markets: Chicago, Dallas, Houston, Los Angeles, New York and San Francisco. On February 13, 1991, the FCC authorized Fleet Call to construct and operate Enhanced Specialized Mobile Radio ("ESMR") systems in the six major markets listed above. Fleet Call's ESMR systems will combine state-of-the art digital multiplexing technology with a low power, multiple base station configuration to increase by more than 15 times the capacity of its existing systems in each market. ESMR will enable Fleet Call to offer far greater capacity for both dispatch and interconnected services than it does today. The first ESMR system will be operational in Los Angeles in mid-1993, followed by San Francisco in 1994.

Fleet Call is making major investments in implementing spectrally efficient advanced private land mobile communications systems. Therefore, it has an interest in the Commission's proposed policies and rules for the effective implementation of advanced television (ATV) terrestrial broadcast capabilities. The Commission's efforts to achieve a major technological improvement in television transmission is an important public interest objective and deserves special attention and regulatory

flexibility.^{2/} Accordingly, Fleet Call respectfully submits the following comments in response to certain of the comments previously filed in this proceeding.^{3/}

II. DISCUSSION

As an SMR licensee, Fleet Call operates in an industry characterized by short time frames in which a successful applicant for spectrum must construct its SMR facilities and become operational.^{4/} SMR licensees must also "load" their stations with at least 70 mobile units per channel within five years of the license grant.^{5/} These policies, along with limits on the number of unloaded system a licensee can have within a defined geographic area, have been effective in preventing warehousing and assuring that scarce private land mobile spectrum is put into productive use or made available to other applicants.

In general, therefore, Fleet Call supports the Commission's efforts in this proceeding to develop policies and rules which

^{2/} In the Matter of Advanced Television Systems, Tentative Decision and Further Notice of Inquiry, 3 FCC Rcd 6520, 6537 (1988).

^{3/} Comments in this proceeding were due by December 21, 1991.

^{4/} Conventional SMR systems must be constructed and placed into operation within eight months; trunked systems within one year of license grant. See Sections 90.155 and 90.631 of the Commission's Rules.

^{5/} See Sections 90.631 and 90.633 of the Commission's Rules.

will prevent inefficient or unreasonably delayed use of limited spectrum resources. As Motorola has observed in its Comments in this proceeding, "Spectrum is the lifeblood of new and innovative radio services -- for many important uses, including broadcast service."^{6/} Fleet Call recognizes, however, that the regulatory structure implemented through this proceeding will help define the technical quality of television in the United States into the 21st Century.^{7/} Accordingly, as emphasized by a number of commenters, there are important public interest benefits to be gained from not deciding all of the proposed policies immediately.

1. Construction of ATV Systems

For example, Fleet Call agrees with ATSC and the Broadcasters^{8/} that it is premature to set a time period for ATV licensees to complete construction of ATV facilities. On the one hand, an open-ended period for filing applications and constructing ATV facilities would undercut the Commission's objective of facilitating the expeditious implementation of improved and expanded broadcast television. At the same time,

^{6/} Comments of Motorola, filed December 20, 1991, at p. 2.

^{7/} See Comments of the United States Advanced Television Committee (ATSC), filed December 19, 1991, at p. 2.

^{8/} Joint Comments were filed by 96 broadcast licensees, networks, and trade associations. See Joint Broadcaster Comments, filed December 20, 1991.

however, much critical information is not yet known concerning the availability of transmission and production equipment and financing, a high-volume reasonably priced receiver market, and various logistical and technical considerations.^{9/} Much of this information depends in large part on the Commission's selection of an ATV (HDTV) systems for terrestrial broadcasting which is expected to occur in 1993. It is reasonable therefore, to defer a decision on this issue until more of the decisional variables can be identified and evaluated.

2. Conversion to ATV

Fleet Call also agrees with the commenters who state that it is premature to mandate a deadline for the "shutdown" of NTSC television broadcasting in favor of full conversion to ATV. While this objective is desirable for many reasons, not the least of which is the return of NTSC channel allotments for reassignment, it is impossible to specify at this time how marketplace forces will react to the conversion process. Broadcaster's decisions to implement ATV will depend on their assessment of consumer acceptance and all of the considerations bearing thereon. Many new marketplace forces will be involved in the conversion process. As ATSC describes in its comments, there are a multiplicity of currently unknown factors that will

^{9/} See e.g., Joint Broadcasters Comments, at n. 13.

affect both consumer acceptance of and broadcaster decisions to implement ATV.^{10/} Accordingly, Fleet Call agrees that this issue should be revisited after an ATV standard is adopted and when additional technical and market information may be available. Obviously, this is a decision which requires as much information as can reasonably be assembled to avoid creating inefficient regulatory requirements while at the same time providing proper incentives for efficient and effective implementation of advanced television technology.

Adjacent Channel Protection for Land Mobile Operations

The Commission recently adopted rules in MM Docket No. 87-465 providing for protection to land mobile radio systems from interference from television channels 14 and 69. Fleet Call supports Motorola's suggestion that allocation planning for ATV be consistent with the requirements of the existing rules. This will help to prevent further interference problems in the implementation of ATV systems.

III. CONCLUSION

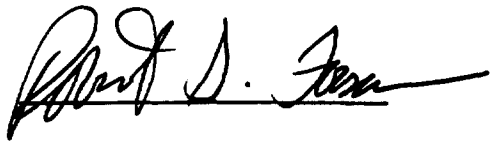
Fleet Call endorses the Commission's efforts in this proceeding to facilitate the effective implementation of ATV systems in the public interest. Fleet Call recognizes the special role that television plays in American society.

^{10/} Comments of ATSC at pp. 6 - 7.

Therefore, Fleet Call supports the broadcasters' request that adequate time be provided for an orderly and economic transition to ATV.

Respectfully submitted,

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By, 

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Dated: January 17, 1992

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I, Gary L. Smith, hereby certify that I have on this 17th day of January, 1992, sent by First Class mail, postage prepaid, a copy of the foregoing Reply Comments of Fleet Call, Inc. to the following:

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